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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/218,308 12/22/99 SERIES

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MM91/0327

EXAMINER

NGUYEN, A

ART UNIT

PAPER NUMBER

2854

DATE MAILED:

03/27/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/218,308

Applicant(s)
Chris Seres et al.

Examiner
Anthony Nguyen

Group Art Unit
2854



☒ Responsive to communication(s) filed on Dec 4, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-4, 6, 8-16, and 18-21 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 11-16 and 18-20 is/are allowed.

☒ Claim(s) 1-4, 6, and 8-10 is/are rejected.

☒ Claim(s) 21 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2854

The request filed on December 4, 2000 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/218,308 is acceptable and a CPA has been established. An action on the CPA follows.

Claim 2 is objected to because there is no proper antecedent basis for "said means" (line 1).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4,6 and 8-10 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over each of the patents to Frick and Otsubo.

Each of the patents to Frick and Otsubo teaches a protective device having structure which renders obvious the structure as broadly claimed. Frick teaches a protective device 7 having a hood 8 covering a document feed path opening, and an access opening 11 that allows the document 12 to be fed out as shown in Fig. 1. Otsubo teaches a protective device having a hood 1a which covers the document feed path opening and an access opening 7 for providing access to the document 5 which is just printed from a printing device as shown in Figs.1-7 and 9 of Otsubo. Each of the patents to Frick and Otsubo fail to clearly teach the protective device

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airborne particles. However, one of ordinary skill in the art would have used the protective device which reduces noise of Frick or Otsubo (soundproof protective device) for protecting dispensing devices or printers from airborne particles or dust or environmental contamination. With respect to claims 3 and 4, the protective device 7 of Frick appears to be integral part of the printer, and the device is secured by means 6 to the cover or housing 5. With respect to claim 6, the hood of Frick having an angle top portion at the numeral reference 10 in Fig.1 of Frick. With respect to claims 8, and 9, the selection of a desired material which is transparent or dishwasher safe involves only an obvious matter of design choice based upon obvious experimentation.

Applicants' arguments filed on December 4, 2000 have been fully considered but they are not persuasive of any error in the above rejections. Applicant argues that Frick, and Otsubo fail to teach or suggest the protective device for dispensing devices or printers as recited. Specifically, applicant argues that Frick or Otsubo does not teach the upper portion that extends over the document feed path and an access opening in the hood since Frick and Otsubo teach an environmental protection for a printer to reduce noise from a printer. However, as explained above, Frick and Otsubo render obvious the protective device as broadly recited. Frick teaches a protective device including a hood which is an integral part of printer for covering a document feed path opening (the feed path is not clearly shown but the paper is fed out the access opening 11, Fig.1 of Frick). While the protective cover of Frick is used for reducing noise from the printer, one of ordinary skill in the art would have been recognized that it protects the printer

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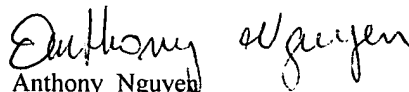
from dust or environmental contamination. Otsubo teaches a protective device including a hood 1(a) (See Otsubo, Fig.1,4,5 and 7) which covers the document feed path opening and means for providing access to the document which is just printed from a printing device. Note the paper 5 of Otsubo is fed out of the means 7 as shown in Figs.5 and 9. Thus, it is believed that the rejections are proper.

As presently advised it appears that claim 21 avoids the prior art but is objected to as dependent to a rejected claim. This claim if properly rewritten overcome the objection and in independent form and to include all of the limitations of the base claim and any intervening claims would be allowable.

Claims 11-16 and 18-20 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Nguyen whose telephone number is (703) 308-2869. The examiner can normally be reached daily from 9 AM to 5PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hilten, can be reached on (703) 308-0719. The fax phone number for this Group is (703) 308-5841 and 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.


Anthony Nguyen
March 24, 2001
Patent Examiner
Technology Center 2800